

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JOHN E. JAMES, III,

Petitioner,

vs.

L. E. SCRIBNER, Warden,

Respondent.

No. C 02-4606 JSW (PR)

**ORDER DENYING CERTIFICATE
OF APPEALABILITY**

(Docket no. 50)

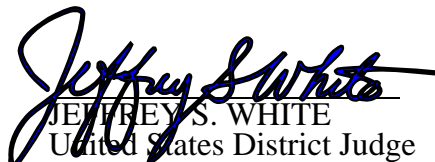
Petitioner John E. James, III, filed a pro se petition for a writ of habeas corpus challenging the constitutionality of his state conviction under 28 U.S.C. § 2254. Following briefing by the parties, this Court denied Petitioner's application for a writ of habeas corpus on the merits in an order dated August 28, 2006 (docket no. 48). Petitioner has filed a notice of appeal and a motion for a certificate of appealability pursuant to 28 U.S.C. § 2253(c) and Fed. R. App. P. 22(b) (docket no. 50).

Petitioner has not shown "that jurists of reason would find it debatable whether the petition states a valid claim of the denial of a constitutional right[.]" *Slack v. McDaniel*, 529 U.S. 473, 484-85 (2000). Accordingly, the request for a certificate of appealability is DENIED (docket no. 50). The Clerk of Court shall forward this order, along with the case file, to the United States Court of Appeals for the Ninth Circuit. Petitioner may also seek a certificate of appealability from that court. *See United States v. Asrar*, 116 F.3d 1268, 1270 (9th Cir. 1997).

IT IS SO ORDERED.

2/5/2007

DATED: _____


JEFFREY S. WHITE
United States District Judge